

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Carole Tyre,

Case No. 24-13175-amc

Chapter 13

U.S. Bank National Association

Movant

vs.

Carole Tyre,
Debtor

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

U.S. Bank National Association, not in its individual capacity but solely as trustee of NRZ Pass-Through Trust XI ("Movant"), by and through its undersigned counsel, files this

Objection to Confirmation of Debtor's Chapter 13 Plan (Doc 14), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 9, 2024.
2. Movant holds a security interest in the Debtor's real property located at 3706 Vader Rd, Philadelphia, PA 19154 (the "Property"), by virtue of a Mortgage.
3. The Debtors filed a Chapter 13 Plan (the "Plan") on October 7, 2024 (Doc 14).
4. The Plan proposes to pay Creditor's claim as a total debt claim, listing a total secured debt in the amount of \$78,012.00 with an interest rate of 0.00%. Movant objects to the proposed interest rate of 0.00%. The current federal prime rate 8.00%. The failure to provide for post-filing interest is insufficient under *Till*.
5. Additionally, the underlying loan matures in January 2026 – prior to the proposed

Plan's completion date. As such; pursuant to §1322(c); Movant requires the entire claim be paid in full through the Plan, and that the maturity not extend beyond month sixty (60) of the instant bankruptcy. Furthermore, Movant requires Debtor to maintain property taxes and insurance payments.

6. Movant has not yet filed a total debt proof of claim but will do so prior to the expiration of the claims deadline. According to preliminary figures, the total secured debt amount is \$81,629.73.

7. Therefore, Confirmation of the Plan should be denied until Debtor amend the Plan to properly treat Movant.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Brian Nicholas

Brian Nicholas

Attorney for Creditor

McCalla Raymer Leibert Pierce, LLC

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Philadelphia, Pennsylvania 19106

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

Debtor's Attorney
Brad J. Sadek
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Kenneth E. West
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107
Bankruptcy Trustee

U.S. Trustee
United States Trustee
Office of United States Trustee
Robert N.C. Nix Federal Building
900 Market Street
Suite 320
Philadelphia, PA 19107

Via First Class Mail:

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3706 Vader Drive
a/k/a 3706 Vader Road
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/s/ Brian Nicholas

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